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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,865	01/09/2006	Seiji Kondou	053537	1943
38834 7590 02/22/2010 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER BURKHART, ELIZABETH A				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
02/22/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary

Application No.

10/563,865

Applicant(s)

KONDOU ET AL.

Examiner

Elizabeth Burkhart

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17, 20, 22-27, 30 and 32-42 is/are pending in the application.
- 4a) Of the above claim(s) 37-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17, 20, 22-27, 30 and 32-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 17, 20, 22-27, 30, and 32-42 are pending in the application. Amended claims 27, 32, 34, and 35 have been noted. Claims 37-42 have been withdrawn from consideration. The amendment filed 2/3/2010 has been entered and carefully considered.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

3. Applicant's arguments, see p. 8-11, filed 2/3/2010, with respect to the rejection(s) of claim(s) 17 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. Applicant argued that the air shield of JP '211 does not specifically blow an amount of wind at a certain speed in the traveling direction of the film, but rather it protects the film from the air circulating in the room. The skilled artisan has no motivation to adjust the air ventilation of the room so as to set a specific wind speed onto the film. After obtaining an English translation of JP '211, the examiner agrees that the air regulating means in [0007] is the wind shield 22 and that JP'211 does not disclose directly blowing dry wind along a traveling direction of the film at a certain wind speed, but rather shields the film from air in the room prior to reaching a dryer in which it is not specified how the heated air is directed onto the film. However, upon further consideration, a new ground(s) of rejection is made in view of Tsuchimoto et al (US 2004/0005405) and Ishizuka (US 2002/0027628) (See rejection below).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17, 20, 22-27, 30, and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchimoto et al (US 2004/0005405) in view of Ishizuka et al (US 2002/0027628).

Tsuchimoto discloses applying a coating solution containing a resin material and a solvent onto a substrate film to form an optically functional layer and drying the applied coating solution (Abstract). The temperature may be 30-150°C [0049], the solid content may be 5-50% [0046], and the viscosity may be 0.1 to 20 mPa s [0014]. The thickness of the dried coating layer may be 10µm or less [0017]. The optically functional layer may be an optical compensating layer having cholesteric structure [0028], [0042].

Tsuchimoto does not disclose a dry wind speed from 4-20 m/sec or that the dry wind is blown directly along the traveling direction of the film.

Ishizuka discloses applying a coating solution to a substrate film to form an optically functional layer and drying the coating solution wherein dry wind is directly blown along the traveling direction of the film (Fig. 10, [0202]) at a speed of 0.5-50 m/sec [0207] to prevent non-uniformity in the heat treatment (i.e. drying).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to incorporate the drying speed of Ishizuka into the process of

Tsuchimoto, such that the dry wind is blown along the traveling direction of the film in order to prevent non-uniformity in drying.

Thus, claims 17, 20, 22-27, 30, and 32-36 would have been obvious within the meaning of 35 USC 103 over the combined teachings of Tsuchimoto and Ishizuka.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Burkhart whose telephone number is (571)272-6647. The examiner can normally be reached on M-Th 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Elizabeth Burkhart/
Examiner, Art Unit 1792

/Timothy H Meeks/
Supervisory Patent Examiner, Art Unit 1792